

GREENBERG TRAURIG, LLP

James N. Boudreau (*pro hac vice* pending)
boudreauj@gtlaw.com
Christiana L. Signs (NJ ID No. 099012014)
signsc@gtlaw.com
1717 Arch St., Suite 400
Philadelphia, PA 19103
(T): (215) 988-7800
(F): (215) 988-7801

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LIONEL J. MISSOURI,

Plaintiff,

vs.

AMAZON.COM, INC.,

Defendant.

CIVIL ACTION NO.: _____

NOTICE OF REMOVAL

**TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY AND PLAINTIFF LIONEL J.
MISSOURI**

PLEASE TAKE NOTICE that Defendant Amazon.com, Inc. (“Amazon”), by and through its undersigned counsel and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, files this Notice of Removal of the above-captioned action from the Superior Court of New Jersey, Law Division, Camden County, where it is currently pending, to the United States District Court for the District of New Jersey, Camden Vicinage. As set forth below, pursuant to 28 U.S.C. §§ 1332 and 1441, this Court

has original jurisdiction over this matter because there is complete diversity of citizenship amongst the parties and the amount in controversy exceeds \$75,000.

Pursuant to 28 U.S.C. § 1446(d), copies of this Notice of Removal will be served upon Plaintiff Lionel J. Missouri (“Mr. Missouri”), *pro se*, and filed with the Clerk of the New Jersey Superior Court, Law Division, Camden County, as an exhibit to a Notice to State Court of Removal to Federal Court. A copy of the Notice that will be filed with the Clerk of the New Jersey Superior Court, Law Division, Camden County is attached hereto (without exhibits) as **Exhibit A**.

Amazon provides the following “short and plain statement of the grounds for removal” pursuant to 28 U.S.C. § 1446(a). *Accord Dart Cherokee Basin Operating Co., LLC v. Owens*, __ U.S. __, 135 S. Ct. 547, 554 (2014).

BACKGROUND

1. Mr. Missouri, a former Amazon Fulfillment Associate I, commenced this action on or about April 15, 2019, by filing a Complaint in the Superior Court of New Jersey, Law Division, Camden County, Civil Action No. CAM-L-001511-19, against Amazon¹ (the “State Court Action”). Copies of all process, pleadings, and orders in the State Court Action are attached hereto as **Exhibit B**.

¹ The Complaint’s caption does not expressly name Jeffrey Bezos, Grayson Gresham, or Caitlyn HayGlass as Defendants. The New Jersey Superior Court therefore did not list them as defendants on its docket. There is ambiguity though because the Complaint identifies the Defendant as “AMAZON.COM, INC. *et. al.*”

2. Mr. Missouri alleges Amazon “violated its own policy” by failing “to provide timely and adequate resolution” to a “concern” he allegedly raised with Human Resources. *See Exhibit B*, Complaint.

3. Amazon denies Mr. Missouri’s claim and denies any liability for Mr. Missouri’s alleged injuries.

GROUND FOR REMOVAL

I. This Court Has Diversity Jurisdiction Over Plaintiff’s Claims.

4. A defendant may remove to federal court “any civil action brought in a State court of which the district courts of the United States have original jurisdiction.” 28 U.S.C. § 1441.

5. This Court has original jurisdiction over Mr. Missouri’s claims pursuant to 28 U.S.C. § 1332, which provides that federal courts have original jurisdiction over civil actions “where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different States.” 28 U.S.C. § 1332(a).

and Mr. Missouri mailed the Complaint to Amazon with a cover letter addressed to Mr. Bezos, Ms. Gresham, and Ms. HayGlass. As explained at note 2, *supra*, however, regardless of these individuals’ precise status, removal is proper.

A. The amount in controversy exceeds \$75,000.

6. As set forth in Exhibit 8 to the Complaint, Mr. Missouri expressly claims to have suffered compensatory damages well in excess of \$75,000.00, exclusive of interest and costs. *See Exhibit B*, Complaint at Exhibit 8.

7. Therefore, the amount in controversy exceeds the \$75,000 threshold set forth at 28 U.S.C. § 1332(a). *See* 28 U.S.C. § 1446(c)(2) (“If removal of a civil action is sought on the basis of the jurisdiction conferred by section 1332(a), the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy”).

B. The parties are completely diverse.

8. As alleged in the Complaint, Mr. Missouri resides at 1 Millbank Court, Voorhees, New Jersey. *See Exhibit B*, Complaint. Based on this information, Amazon believes that Mr. Missouri was at the time he filed the Complaint and remains now a citizen of New Jersey.

9. Amazon is now, and was at the time Mr. Missouri filed his complaint, a corporation organized under the laws of the State of Delaware with its principal place of business in Seattle, Washington. **Exhibit C**, Certification of Counsel at ¶ 2. Thus, at all times relevant, Amazon has been a citizen of Delaware and Washington, and not a citizen of New Jersey. 28 U.S.C. § 1332(c)(1).

10. The diversity of citizenship requirement of 28 U.S.C. § 1332(d)(2) is satisfied because there is complete diversity between Mr. Missouri and Amazon.²

II. Amazon Has Met All Other Prerequisites For Removal.

11. This Court has subject matter jurisdiction, as set forth above, and Amazon has satisfied all other requirements for removal.

12. Removal to this federal district court is timely because less than 30 days have passed since the date this case became removable, which occurred on May 8, 2019, when Amazon received a copy of the Summons and Complaint. *See* 28 U.S.C. § 1446(b)(1).

² Notably, neither Jeffrey Bezos nor Grayson Gresham nor Caitlyn HayGlass are citizens of New Jersey. Mr. Bezos is a citizen of the State of Washington. Ex. C, Certification of Counsel at ¶ 4. Ms. Gresham is a citizen of the State of Georgia. *Id.* at ¶ 6. Ms. HayGlass is a Canadian citizen and a legal permanent resident of the United States. She resides in Pennsylvania and intends to remain there permanently and indefinitely. *Id.* at ¶ 5. Thus, she is a citizen of Pennsylvania for purposes of determining whether diversity jurisdiction exists. *See, e.g., N. Sails Grp., LLC v. Boards & More GmbH*, Civil Action No. 3:18 - CV - 160 (CSH), at *8 (D. Conn. Feb. 6, 2018) (explaining that “an alien who has been accorded lawful permanent residence from the United States (*i.e.*, has obtained a ‘green card’) is considered a citizen of the state in which he is domiciled”). Moreover, although Mr. Missouri has yet to serve these individuals with process and their consent to removal is thus unnecessary, all three individuals in fact consent to removal. Ex. C, Certification of Counsel at ¶¶ 4-6; *accord* 28 U.S.C. § 1446(b)(2)(A) (“When a civil action is removed solely under section 1441(a) [based on a district court’s original jurisdiction], all defendants who have been properly joined and served must join in or consent to the removal of the action.”). In sum, even assuming *arguendo* these individuals are Defendants, diversity of citizenship exists and removal is proper.

13. Pursuant to 28 U.S.C. §§ 1441(a) and 110, venue for removal is proper in this District because it embraces the Superior Court of New Jersey, Law Division, Camden County, the forum in which the State Court Action was originally filed.

14. In accordance with 28 U.S.C. § 1446(d), Amazon will promptly provide written notice of the filing of this Notice of Removal to Mr. Missouri and shall file a copy of this Notice along with a Notice of Filing of Notice of Removal with the Clerk of the Superior Court of New Jersey, Law Division, Camden County, where the State Court Action is currently pending.

WHEREFORE, Amazon gives notice that the matter bearing civil action number CAM-L-001511-19 in the Superior Court of New Jersey, Law Division, Camden County, is hereby removed to the United States District Court for the District of New Jersey, Camden Vicinage, and Amazon further requests that this Court retain jurisdiction for all further proceedings in this matter.

Dated: June 7, 2019

Respectfully submitted,

GREENBERG TRAURIG, LLP

/s/ Christiana L. Signs

James N. Boudreau (*pro hac vice* pending)
boudreauj@gtlaw.com
Christiana L. Signs (NJ ID No. 099012014)
signsc@gtlaw.com
1717 Arch St., Suite 400
Philadelphia, PA 19103
(T): (215) 988-7800
(F): (215) 988-7801

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LIONEL J. MISSOURI,

Plaintiff,

vs.

AMAZON.COM, INC.,

Defendant.

CIVIL ACTION NO.: _____

CERTIFICATE OF SERVICE

I, Christiana L. Signs, hereby certify that on June 7, 2019, I caused a true and correct copy of the foregoing Notice of Removal to be served by way of U.S. Mail on Plaintiff Lionel Missouri, *pro se*, at 1 Millbank Court, Voorhees, New Jersey, 08043.

/s/ Christiana L. Signs

Christiana L. Signs